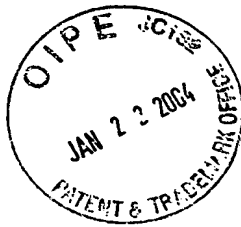


DOCKET NO. 8229-017-27 CIP



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Jim HUNTER, et al.

ART UNIT: 2872

SERIAL NO.: 10/029,875

EXAMINER: Alessandro V. Amari

FILING DATE: December 31, 2001

FOR: HIGH CONTRAST GRATING LIGHT VALVE

**DECLARATION OF JOE BERGER, 37 C.F.R. §1.608(b)**

ASSISTANT COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA, VA 22313-1450

SIR:

I, Joe Berger, do hereby declare and state that:

1. From a period of time beginning in 1997, and through and beyond December 18, 1998, I held the position of Vice-President, Engineering, for Silicon Light Machines, which became a division of Cypress Semiconductor Corporation, acquired during that time frame.
2. As part of my duties and responsibilities as Vice-President, Engineering, I was intimately aware of the projects and product development activities ongoing at Silicon Light Machine throughout the time period, and knew and was familiar with the activities of each of James Hunter, Chris Gudeman, David Amm and Akira Tomita, each of whom is known to be personally. It was my practice as Vice-President of Engineering to meet with the engineers, including Hunter, Gudeman, Amm and Tomita, on a regular basis, to develop an awareness of the projects they were working on.
3. I have read the Declaration of Hunter, Gudeman, Amm and Tomita, and Exhibits A-E attached thereto. The entirety of that Declaration and exhibits is attached hereto as Exhibit 1.
4. I am familiar with, and recall the activity on this project, although I am not a co-

inventor thereof. The project was one of continuous development at Silicon Light Machine, and I remember preparation of an article corresponding to the description herein, as reflected in the Declaration that is Exhibit 1 hereto. By reason of my position, responsibilities and execution of that office by routine discussions with the four co-inventors, and knowledge of the ongoing projects, I am able to confirm that in fact the subject matter of the above-captioned patent application, described in the Declaration and Exhibits that is Exhibit 1 hereto, was completed at Silicon Light Machine in advance of December 18, 1998. The statements made in Exhibit 1 hereto conform substantially to my memory of events.

All statements made herein of own knowledge are true, and all statements made on information and belief are believed true. Further, I am aware that willful false statements and the like are punishable by fine, imprisonment, or both, 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the above-captioned patent application, and any patent to issue thereon.

Dated: 1/9/2004

  
\_\_\_\_\_  
JOE BERGER

# **EXHIBIT 1**

Docket No.: 8229-018-27 CIP

Page 1 of 2

## A signment of Application

WHEREAS, I (we),

Akira TOMITA, 385 Moffett Park Drive, Suite 115, Sunnyvale, CA 94089-1208

, respectively,

have invented certain new and useful improvements in:

High Contrast Grating Valve

for which an application for Letters Patent was executed on

(Application No. 10/050,994, Filed January 22, 2002); and

WHEREAS, CYPRESS SEMICONDUCTOR CORPORATION

(hereinafter referred to as "ASSIGNEE"), having a place of business at:  
3901 North First Street, San Jose, CA 95134

is desirous of acquiring the full and exclusive right in and to said Invention and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries;

NOW, THEREFORE, in consideration of the sum of FIVE DOLLARS (\$5.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, I (we), by these presents do sell, assign and transfer unto said ASSIGNEE, the full and exclusive right in and to said Invention in the United States and its territorial possessions and in any and all foreign countries, and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, continuations, substitutions, renewals and reissues thereof.

I (we) hereby authorize and request the Patent Office Officials in the United States and its territorial possessions and in any and all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of my (our) entire right, title and interest in and to the same, for the sole use and behoof of said ASSIGNEE and said ASSIGNEE's successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me (us) had this Assignment and sale not been made.

Further, I (we) agree that I (we) will communicate to said ASSIGNEE or said ASSIGNEE's representatives any facts known to me (us) respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to said ASSIGNEE, make all rightful oaths, and, generally, do everything possible to aid said ASSIGNEE, and said ASSIGNEE's successors and assigns, to obtain and enforce proper protection for said Invention in the United States and its territorial possessions and in any and all foreign countries.

The undersigned hereby grant(s) the firm of Piper Rudnick LLP, Attorneys at Law, 1200 Nineteenth Street, N.W., Washington, D.C. 20036-2412, the power to insert on this Assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Date: Jan 22, '04

Akira Tomita  
(Signature of Inventor) AKIRA TOMITA

Date: \_\_\_\_\_

(Signature of Inventor)

Date: \_\_\_\_\_

(Signature of Inventor)

Date: \_\_\_\_\_

(Signature of Inventor)

Date: \_\_\_\_\_

(Signature of Inventor)

Date: \_\_\_\_\_

(Signature of Inventor)

Date: \_\_\_\_\_

(Signature of Inventor)

**PIPER RUDNICK LLP**  
**1200 NINETEENTH STREET, N.W.**  
**WASHINGTON, D.C. 20036-2412**